

1 BILL NO. G-92-02- *18*

2 GENERAL ORDINANCE NO. G- *11-92*

3
4 AN ORDINANCE of the Common
5 Council of the City of Fort
6 Wayne, Indiana, amending
7 Chapter 17 of the Municipal of
the City of Fort Wayne by
adding new Article XV, titled
"Prohibition of Open Alcoholic
Beverage Containers Within the
City Limits of Fort Wayne"

8
9 **WHEREAS**, the Common Council of the City of Fort
10 Wayne acknowledge the safety hazards associated with the
11 consumption of alcohol while operating a motor vehicle; and

12 **WHEREAS**, in an effort to help protect the citizens
13 of the City of Fort Wayne from those hazards associated with
14 alcohol consumption and operation of a motor vehicle, the
15 Common Council of the City of Fort Wayne believes an Ordinance
16 prohibiting open containers of alcoholic beverages in motor
17 vehicles within the city limits of Fort Wayne is necessary.

18 **NOW, THEREFORE, BE IT ORDAINED BY THE COMMON
19 COUNCIL OF THE CITY OF FORT WAYNE, INDIANA THAT:**

20 **SECTION 1.** That Chapter 17 of the Municipal Code of the
21 City of Fort Wayne is amended by adding thereto a new Article
22 XV as follows:

23 **ARTICLE XV. PROHIBITION OF OPEN ALCOHOLIC BEVERAGE
24 CONTAINERS IN MOTOR VEHICLES WITHIN THE CITY LIMITS
25 OF FORT WAYNE, INDIANA.**

26 **Sec. 17-125. Definitions.**

- 27 (a) "Alcoholic Beverage" shall have the meaning set forth in
28 Indiana Code Section 7.1-1-3-5.
29 (b) "Container" shall have the meaning set forth in Indiana
30 Code Section 7.1-1-3-13.
31 (c) "Motor Vehicle" shall have the meaning set forth in
32 Indiana Code Section 9-13-2-105, except that "Motor
Vehicle" has used in this Section shall not include:

- (i.) recreational vehicles, as defined in Indiana Code Section 9-13-2-150; or
 - (ii.) any chartered passenger vehicle licensed to operate within the State of Indiana.

Section 17-126. Possession or Consumption Prohibited.

A person who knowingly:

- (a) Consumes an alcoholic beverage; or
 - (b) Possesses a container;
 - (i.) that has been opened;

(iii.) from which some of the contents have been removed; while in a motor vehicle that is being operated upon a public highway within the City limits commits a violation of this Ordinance.

Section 17-127. Operator or Owner of Motor Vehicle in
Violation.

- (a) The operator or owner of a motor vehicle who while the motor vehicle is in operation knowingly keeps or allows to be kept in an area of the motor vehicle that is accessible to the operator or a passenger a container:

(i.) that has been opened;

(ii.) that has a broken seal; or

(iii.) from which some of the contents have been removed; commits a violation of this Ordinance.

- (b) Notwithstanding Section 1(c), the operator of a recreational vehicle or chartered passenger vehicle who, while the motor vehicle is in operation, knowingly keeps or allows to be kept in an area of the recreational vehicle or chartered passenger vehicle that is accessible to the operator a container:

(i.) that has been opened;

(ii.) that has a broken seal; or

(iii.) from which some of the contents have been removed; commits a violation of this Ordinance.

Section 17-128. Penalties.

Violation of this article shall subject the violator to a fine
of Fifty Dollars (\$50.00).

The fine for each subsequent violation shall not be less than One Hundred Dollars (\$100.00), nor more than Five Hundred Dollars (\$500.00).

SECTION 2. Effective Date.

That this Ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor and legal publication as required by law.

C R Edmonds
COUNCIL MEMBER

APPROVED AS TO FORM AND LEGALITY.

Stanley A. Levine
Legal Advisor
Common Council of the
City of Fort Wayne, Indiana

Read the first time in full and on motion by Edmonds, seconded by Delrus, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, 19_____, at _____ o'clock M., E.S.T. of _____

DATED: 2-25-92

Sandra F. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Edmonds, seconded by Delrus, and duly adopted, placed on its passage. PASSED YEST by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
<u>TOTAL VOTES</u>	<u>9</u>			
<u>BRADBURY</u>	<u>✓</u>			
<u>EDMONDS</u>	<u>✓</u>			
<u>GiaQUINTA</u>	<u>✓</u>			
<u>HENRY</u>	<u>✓</u>			
<u>LONG</u>	<u>✓</u>			
<u>LUNSEY</u>	<u>✓</u>			
<u>RAVINE</u>	<u>✓</u>			
<u>SCHMIDT</u>	<u>✓</u>			
<u>TALARICO</u>	<u>✓</u>			

DATED: 3-10-92

Sandra F. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. 1211-92
on the 10th day of March, 1992

ATTEST:

Sandra F. Kennedy
SANDRA E. KENNEDY, CITY CLERK

(SEAL)

Thomas F. Nancy
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of March, 1992, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra F. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 12th day of March, 1992, at the hour of 10:15 o'clock A.M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1208

SANDRA E. KENNEDY, CITY CLERK

March 13, 1992

Ms. Connie Lambert
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Lambert:

Please give the attached full coverage on the dates of March 17 & March 24, 1992, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. G-92-02-18
Open Alcoholic Beverage Containers

Please send us 4 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy/ma
Sandra E. Kennedy
City Clerk

SEK/ne
ENCL: 1

LEGAL NOTICE

Notice is hereby given that on the 10th day of
March, 1992, the Common Council of the City
of Fort Wayne, Indiana, in a Regular Session did pass
the following Bill No. G-92-02-18 General
Ordinance No. G-11-92 to-wit:

1 BILL NO. G-92-02-18

2 GENERAL ORDINANCE NO. G-11-92

3
4 AN ORDINANCE of the Common
5 Council of the City of Fort
6 Wayne, Indiana, amending
7 Chapter 17 of the Municipal of
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adding new Article XV, titled
"Prohibition of Open Alcoholic
Beverage Containers Within the
City Limits of Fort Wayne"

8
9 WHEREAS, the Common Council of the City of Fort
Wayne acknowledge the safety hazards associated with the
consumption of alcohol while operating a motor vehicle; and

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11 WHEREAS, in an effort to help protect the citizens
12 of the City of Fort Wayne from those hazards associated with
13 alcohol consumption and operation of a motor vehicle, the
14 Common Council of the City of Fort Wayne believes an Ordinance
15 prohibiting open containers of alcoholic beverages in motor
16 vehicles within the city limits of Fort Wayne is necessary.

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18 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON
19 COUNCIL OF THE CITY OF FORT WAYNE, INDIANA THAT:

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21 SECTION 1. That Chapter 17 of the Municipal Code of the
City of Fort Wayne is amended by adding thereto a new Article
22 XV as follows:

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24 ARTICLE XV. PROHIBITION OF OPEN ALCOHOLIC BEVERAGE
25 CONTAINERS IN MOTOR VEHICLES WITHIN THE CITY LIMITS
OF FORT WAYNE, INDIANA.

26
27 Sec. 17-125. Definitions.

- 28
29 (a) "Alcoholic Beverage" shall have the meaning set forth in
Indiana Code Section 7.1-1-3-5.
30
31 (b) "Container" shall have the meaning set forth in Indiana
Code Section 7.1-1-3-13.
32
33 (c) "Motor Vehicle" shall have the meaning set forth in
Indiana Code Section 9-13-2-105, except that "Motor

- 1 (i.) recreational vehicles, as defined in Indiana
2 Code Section 9-13-2-150; or
3 (ii.) any chartered passenger vehicle licensed to
4 operate within the State of Indiana.

5 Section 17-126. Possession or Consumption Prohibited.

6 A person who knowingly:

- 7 (a) Consumes an alcoholic beverage; or
8 (b) Possesses a container;

9 (i.) that has been opened;
10 (ii.) that has a broken seal; or
11 (iii.) from which some of the contents have been removed;
12 while in a motor vehicle that is being operated upon a public
13 highway within the City limits commits a violation of this
14 Ordinance.

15 Section 17-127. Operator or Owner of Motor Vehicle in
16 Violation.

17 (a) The operator or owner of a motor vehicle who while the
18 motor vehicle is in operation knowingly keeps or allows to be
19 kept in an area of the motor vehicle that is accessible to the
20 operator or a passenger a container:

21 (i.) that has been opened;
22 (ii.) that has a broken seal; or
23 (iii.) from which some of the contents have been removed;
24 commits a violation of this Ordinance.

25 (b) Not notwithstanding Section 1(c), the operator of a
26 recreational vehicle or chartered passenger vehicle who, while
27 the motor vehicle is in operation, knowingly keeps or allows
28 to be kept in an area of the recreational vehicle or chartered
29 passenger vehicle that is accessible to the operator a
30 container:

31 (i.) that has been opened;
32 (ii.) that has a broken seal; or
 (iii.) from which some of the contents have been removed;
 commits a violation of this Ordinance.

1 Section 17-128. Penalties.

2 Violation of this article shall subject the violator to a fine
3 of Fifty Dollars (\$50.00).

4 The fine for each subsequent violation shall not be less than
5 One Hundred Dollars (\$100.00), nor more than Five Hundred
6 Dollars (\$500.00).

7 **SECTION 2. Effective Date.**

8 That this Ordinance shall be in full force and effect from and
9 after its passage by the Common Council and approval by the
10 Mayor and legal publication as required by law.

11 Cletus R. Edmonds

12 COUNCILMEMBER

13 Read the third time in full and on motion by Edmonds, seconded
14 by Talarico, and duly adopted, placed on its passage. PASSED by the
following vote:

AYES: Nine

Bradbury, Edmonds, GiaQuinta, Henry, Long,
Lunsey, Ravine, Schmidt, Talarico

NAYS: None

ABSENT: None

ABSTAINED: None

DATED: 3-10-92

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort
Wayne, Indiana, as General Ordinance No. G-11-92 on the 10th day
of March, 1992

ATTEST:

(SEAL)

Sandra E. Kennedy
City Clerk

Thomas C. Henry
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana,
on the 11th day of March, 1992, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 12th day of March, 1992, at the
hour of 10:15 o'clock A.M., E.S.T.

Paul Helmke
Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify
that the above and foregoing is a full, true and complete copy of
General Ordinance No. G-11-92,

passed by the Common Council on the 10th day of
March, 1992, and that said Ordinance was
duly signed and approved by the Mayor on the 12th day of
March, 1992, and now remains on file and
on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne,
Indiana, this 12th day of March, 1992.

BILL NO. G-92-02-18

REPORT OF THE COMMITTEE ON REGULATIONS

CLETUS R. EDMONDS, CHAIRMAN
JANET G. BRADBURY, VICE CHAIRWOMAN
RAVINE, TALARICO, SCHMIDT

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM
WAS REFERRED AN (ORDINANCE) (~~RESOLUTION~~) of the Common
Council of the City of Fort Wayne, Indiana, amending Chapter 17
of the Municipal of the City of Fort Wayne by adding new
Article XV, titled "Prohibition of Open Alcoholic Beverage
Containers Within the City Limits of Fort Wayne"

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) ~~(RESOLUTION)~~

DATED: 3-10-52.

Sandra E. Kennedy
City Clerk

FW Common Council

(Governmental Unit)

County, Indiana

To: _____ The Journal-Gazette Dr. _____
P.O. Box 100
Fort Wayne, IN**PUBLISHER'S CLAIM****LINE COUNT**

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
-- number of equivalent lines

LEGAL NOTICE

Notice is hereby given that on the 10th day of March, 1992, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill to-wit:

BILL NO. G-92-02-18

GENERAL ORDINANCE NO. G-11-92

AN ORDINANCE of the Common Council of the City of Fort Wayne, Indiana, amending Chapter 17 of the Municipal Code of the City of Fort Wayne by adding new Article XV titled "Prohibition of Open Alcoholic Beverage Containers Within the City Limits of Fort Wayne"

WHEREAS, the Common Council of the City of Fort Wayne acknowledge the safety hazards associated with the consumption of alcohol while operating a motor vehicle; and

WHEREAS, in an effort to help protect the citizens of the City of Fort Wayne from those hazards associated with alcohol consumption and operation of a motor vehicle, the Common Council of the City of Fort Wayne believes an Ordinance prohibiting open containers of alcoholic beverages in motor vehicles within the city limits of Fort Wayne is necessary.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA THAT:

SECTION 1. That Chapter 17 of the Municipal Code of the City of Fort Wayne is amended by adding thereto a new Article XV as follows:

ARTICLE XV. PROHIBITION OF OPEN ALCOHOLIC BEVERAGE CONTAINERS IN MOTOR VEHICLES WITHIN THE CITY LIMITS OF FORT WAYNE, INDIANA.

Sec. 17-125. Definitions.

(a) "Alcoholic Beverage" shall have the meaning set forth in Indiana Code Section 7.1-1-3-5.

(b) "Container" shall have the meaning set forth in Indiana Code Section 7.1-1-3-13.

(c) "Motor Vehicle" shall have the meaning set forth in Indiana Code Section 9-13-2-105, except that "Motor Vehicle" has used in this Section shall not include:

(i.) recreational vehicles, as defined in Indiana Code Section 9-13-2-150; or

(ii.) any chartered passenger vehicle licensed to operate within the State of Indiana.

Section 17-126. Possession or Consumption Prohibited.

A person who knowingly:

(a) Consumes an alcoholic beverage; or
 (b) Possesses a container;
 (i.) that has been opened;
 (ii.) that has a broken seal; or
 (iii.) from which some of the contents have been removed;

while in a motor vehicle that is being operated upon a public highway within the City limits commits a violation of this Ordinance.

Section 17-127. Operator or Owner of Motor Vehicle in Violation.

(a) The operator or owner of a motor vehicle who while the motor vehicle is in operation knowingly keeps or allows to be kept in an area of the motor vehicle that is accessible to the operator or a passenger a container:

(i.) that has been opened;
 (ii.) that has a broken seal; or
 (iii.) from which some of the contents have been removed; commits a violation of this Ordinance.

(b) Notwithstanding Section 1(c), the operator of a recreational vehicle or chartered passenger vehicle who, while the motor vehicle is in operation, knowingly keeps or allows to be kept in an area of the recreational vehicle or chartered passenger vehicle that is accessible to the operator a container:

(i.) that has been opened;
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Violation of this article shall subject the violator to a fine of Fifty Dollars (\$50.00).

The fine for each subsequent violation shall not be less than One Hundred Dollars (\$100.00), nor more than Five Hundred Dollars (\$500.00).

SECTION 2. Effective Date.

That this Ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor and legal publication is required by law.

Cletus R. Edmonds

COUNCIL MEMBER

Read the third time in full and on motion by Edmonds,

seconded by Talarico, and duly adopted, placed on its

passage. PASSED by the following vote:

AYES: Nine

Bradbury, Edmonds, GiaQuinta, Henry, Long,

Lunsey, Ravine Schmidt, Talarico

NAYS: None

ABSENT: None

ABSTAINED: None

DATED: 3-10-92

Sandra E. Kennedy

City Clerk

Approved and signed by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-11-92 on the 10th day of March, 1992

ATTEST:

Sandra E. Kennedy

City Clerk

Thomas C. Henry

Presiding Officer

Presented by me to the Mayor of the City of Fort

Wayne, Indiana, on the 11th day of March, 1992, at the

hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy

City Clerk

Approved and signed by me this 12th day of March,

1992, at the hour of 10:15 o'clock A.M., E.S.T.

Paul Helmke

I, The Clerk of the City of Fort Wayne, Indiana do

hereby certify that the above and foregoing is a full,

true and complete copy of General Ordinance No.

G-11-92, passed by the Common Council on the 10th

day of March, 1992, and that said Ordinance was duly

signed and approved by the Mayor on the 12th day of

March, 1992, and now remains on file and on record in

my office.

WITNESS my hand, and the official seal of the City of

Fort Wayne, Indiana, this 12th day of March, 1992.

Sandra E. Kennedy, City Clerk

3-17-24

columns wide equals 1.34 equivalent lines\$ 66.33

containing rule or tabular work

2.00

iblication (\$1.00 for each proof in excess of two)

\$ 68.33

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ems

and penalties of Chapter 155, Acts 1953,

agoing account is just and correct, that the amount allowing all just credits, and that no part of the

Cindy Gillenwater, 19 92

Title: _____

Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)

) ss:

Allen County)

Personally appeared before me, a notary public in and for said county and state, the

undersigned Cindy Gillenwater who, being duly sworn, says that he/she is Clerk of the The Journal-Gazette newspaper of general

circulation printed and published in the English language in the (city) (town) of

Fort Wayne, IN in state and county aforesaid, and that the printed matter

attached hereto is a true copy, which was duly published in said paper for

2 time _____, the dates of publication being as follows:

3/17, 24/92

*Cindy Gillenwater*Subscribed and sworn to before me this 24th day of March, 19 92.*Anne M. Perkins*

Notary Public ALLEN COUNTY IN

ANNE M PERKINS

My commission expires: Nov 29, 1993

FW Common Council

(Governmental Unit)

County, Indiana

To: _____ The Journal-Gazette
P.O. Box 100
Fort Wayne, IN Dr.**PUBLISHER'S CLAIM****LINE COUNT**

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
 -- number of equivalent lines

Head -- number of lines _____

Body -- number of lines _____

Tail -- number of lines _____

Total number of lines in notice _____

COMPUTATION OF CHARGES

134 lines, 1 columns wide equals 1.34 equivalent lines
 at .495 cents per line

\$ 66.33

Additional charge for notices containing rule or tabular work
 (50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

2.00

TOTAL AMOUNT OF CLAIM\$ 68.33**DATA FOR COMPUTING COST**Width of single column 12.5 emsNumber of insertions 2Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: March 24, 19 92

Title: _____

Clerk

*Cindy Gillenwater***PUBLISHER'S AFFIDAVIT**

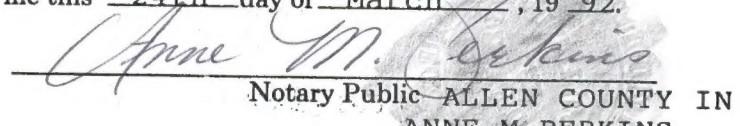
State of Indiana)

) ss:

Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned Cindy Gillenwater who, being duly sworn, says that he/she is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time _____, the dates of publication being as follows:

3/17, 24/92

Subscribed and sworn to before me this 24th day of March, 19 92.

 Notary Public ALLEN COUNTY IN
 ANNE M PERKINS
My commission expires: Nov 29, 1993

FW Common Council
(Governmental Unit)

County, Indiana

To: The News-Sentinel Dr.
P.O. Box 100
Fort Wayne, IN

PUBLISHER'S CLAIM**LINE COUNT****Display Matter (Must not exceed two actual lines, neither of which shall total type in which the body of the advertisement is set)****LEGAL NOTICE**

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BILL NO. G-92-02-18

GENERAL ORDINANCE NO. G-11-92

AN ORDINANCE of the Common Council of the City of Fort Wayne, Indiana, amending Chapter 17 of the Municipal of the City of Fort Wayne by adding new Article XV titled "Prohibition of Open Alcoholic Beverage Containers Within the City Limits of Fort Wayne"

WHEREAS, the Common Council of the City of Fort Wayne acknowledge the safety hazards associated with the consumption of alcohol while operating a motor vehicle; and

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Cletus R. Edmonds
COUNCIL MEMBER

Read the third time in full and on motion by Edmonds, seconded by Talarico, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine

Bradbury, Edmonds, GiaQuinta, Henry, Long,

unsey, Revine Schmidt, Talarico

NAYS: None

ABSENT: None

ABSTAINED: None

DATED: 3-10-92

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. 3-11-92 on the 10th day of March, 1992

ATTEST:
Sandra E. Kennedy
City Clerk

Thomas C. Henry
Presiding Officer
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of March, 1992, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 12th day of March, 1992, at the hour of 10:15 o'clock A.M., E.S.T.

Paul Helmke
Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. 3-11-92, passed by the Common Council on the 10th day of March, 1992, and that said Ordinance was duly signed and approved by the Mayor on the 12th day of March, 1992, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 12th day of March, 1992.

Sandra E. Kennedy, City Clerk

3-17-24

PUBLISHER'S CLAIM**LINE COUNT****Display Matter (Must not exceed two actual lines, neither of which shall total type in which the body of the advertisement is set)****LEGAL NOTICE**

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SECTION 1. That Chapter 17 of the Municipal Code of the City of Fort Wayne is amended by adding thereto a new Article XV as follows:

ARTICLE XV. PROHIBITION OF OPEN ALCOHOLIC BEVERAGE CONTAINERS IN MOTOR VEHICLES WITHIN THE CITY LIMITS OF FORT WAYNE, INDIANA.

Sec. 17-125. Definitions.

(a) "Alcoholic Beverage" shall have the meaning set forth in Indiana Code Section 7-1-1-3-5.

(b) "Container" shall have the meaning set forth in Indiana Code Section 7-1-1-3-13.

(c) "Motor Vehicle" shall have the meaning set forth in Indiana Code Section 9-13-2-105, except that "Motor Vehicle" has used in this Section shall not include:

(i.) recreational vehicles, as defined in Indiana Code Section 9-13-2-150; or

(ii.) any chartered passenger vehicle licensed to operate within the State of Indiana.

Section 17-126. Possession or Consumption Prohibited.

A person who knowingly:

(a) Consumes an alcoholic beverage; or

(b) Possesses a container;

(i.) that has been opened;

(ii.) that has a broken seal; or

(iii.) from which some of the contents have been removed;

while in a motor vehicle that is being operated upon a public highway within the City limits commits a violation of this Ordinance.

Section 17-127. Operator or Owner of Motor Vehicle in Violation.

(a) The operator or owner of a motor vehicle who while the motor vehicle is in operation knowingly keeps or allows to be kept in an area of the motor vehicle that is accessible to the operator or a passenger a container:

(i.) that has been opened;

(ii.) that has a broken seal; or

(iii.) from which some of the contents have been removed; commits a violation of this Ordinance.

(b) Notwithstanding Section 1(c), the operator of a recreational vehicle or chartered passenger vehicle who, while the motor vehicle is in operation, knowingly keeps or allows to be kept in an area of the recreational vehicle or chartered passenger vehicle that is accessible to the operator a container:

(i.) that has been opened;

(ii.) that has a broken seal; or

(iii.) from which some of the contents have been removed; commits a violation of this Ordinance.

Section 17-128. Penalties.

Violation of this article shall subject the violator to a fine of Fifty Dollars (\$50.00).

The fine for each subsequent violation shall not be less than One Hundred Dollars (\$100.00), nor more than Five Hundred Dollars (\$500.00).

SECTION 2. Effective Date.

That this Ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor and legal publication is required by law.

Cletus R. Edmonds
COUNCIL MEMBER

Read the third time in full and on motion by Edmonds, seconded by Talarico, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine

Bradbury, Edmonds, GiaQuinta, Henry, Long,

unsey, Revine Schmidt, Talarico

NAYS: None

ABSENT: None

ABSTAINED: None

DATED: 3-10-92

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. 3-11-92 on the 10th day of March, 1992

ATTEST:
Sandra E. Kennedy
City Clerk

Thomas C. Henry
Presiding Officer
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of March, 1992, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 12th day of March, 1992, at the hour of 10:15 o'clock A.M., E.S.T.

Paul Helmke
Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. 3-11-92, passed by the Common Council on the 10th day of March, 1992, and that said Ordinance was duly signed and approved by the Mayor on the 12th day of March, 1992, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 12th day of March, 1992.

Sandra E. Kennedy, City Clerk

3-17-24

PUBLISHER'S CLAIM**LINE COUNT****Display Matter (Must not exceed two actual lines, neither of which shall total type in which the body of the advertisement is set)****LEGAL NOTICE**

Notice is hereby given that on the 10th day of March, 1992, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. G-92-02-18 General Ordinance No. G-11-92 to-wit:

BILL NO. G-92-02-18

GENERAL ORDINANCE NO. G-11-92

AN ORDINANCE of the Common Council of the City of Fort Wayne, Indiana, amending Chapter 17 of the Municipal of the City of Fort Wayne by adding new Article XV titled "Prohibition of Open Alcoholic Beverage Containers Within the City Limits of Fort Wayne"

WHEREAS, the Common Council of the City of Fort Wayne acknowledge the safety hazards associated with the consumption of alcohol while operating a motor vehicle; and

WHEREAS, in an effort to help protect the citizens of the City of Fort Wayne from those hazards associated with alcohol consumption and operation of a motor vehicle, the Common Council of the City of Fort Wayne believes an Ordinance prohibiting open containers of alcoholic beverages in motor vehicles within the city limits of Fort Wayne is necessary.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA THAT:

SECTION 1. That Chapter 17 of the Municipal Code of the City of Fort Wayne is amended by adding thereto a new Article XV as follows:

ARTICLE XV. PROHIBITION OF OPEN ALCOHOLIC BEVERAGE CONTAINERS IN MOTOR VEHICLES WITHIN THE CITY LIMITS OF FORT WAYNE, INDIANA.

Sec. 17-125. Definitions.

(a) "Alcoholic Beverage" shall have the meaning set forth in Indiana Code Section 7-1-1-3-5.

(b) "Container" shall have the meaning set forth in Indiana Code Section 7-1-1-3-13.

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(i.) that has been opened;

(ii.) that has a broken seal; or

(iii.) from which some of the contents have been removed; commits a violation of this Ordinance.

Section 17-128. Penalties.

Violation of this article shall subject the violator to a fine of Fifty Dollars (\$50.00).

The fine for each subsequent violation shall not be less than One Hundred Dollars (\$100.00), nor more than Five Hundred Dollars (\$500.00).

SECTION 2. Effective Date.

That this Ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor and legal publication is required by law.

Cletus R. Edmonds
COUNCIL MEMBER

Read the third time in full and on motion by Edmonds, seconded by Talarico, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine

Bradbury, Edmonds, GiaQuinta, Henry, Long,

unsey, Revine Schmidt, Talarico

NAYS: None

ABSENT: None

ABSTAINED: None

DATED: 3-10-92

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. 3-11-92 on the 10th day of March, 1992

ATTEST:
Sandra E. Kennedy
City Clerk

Thomas C. Henry
Presiding Officer
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of March, 1992, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 12th day of March, 1992, at the hour of 10:15 o'clock A.M., E.S.T.

Paul Helmke
Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. 3-11-92, passed by the Common Council on the 10th day of March, 1992, and that said Ordinance was duly signed and approved by the Mayor on the 12th day of March, 1992, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 12th day of March, 1992.

Sandra E. Kennedy, City Clerk

FW Common Council
(Governmental Unit)
County, Indiana

To: The News-Sentinel Dr.
P.O. Box 100
Fort Wayne, IN

PUBLISHER'S CLAIM**LINE COUNT**

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
-- number of equivalent lines _____

Head -- number of lines _____

Body -- number of lines _____

Tail -- number of lines _____

Total number of lines in notice _____

COMPUTATION OF CHARGES

134 lines, 1 columns wide equals 134 equivalent lines
at .495 cents per line

\$ 66.33

Additional charge for notices containing rule or tabular work
(50 percent of above amount) _____

Charge for extra proofs of publication (\$1.00 for each proof in excess of two) _____

2.00

TOTAL AMOUNT OF CLAIM

\$ 68.33

DATA FOR COMPUTING COST

Width of single column 12.5 ems

Number of insertions 2

Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: March 24, 19 92

Title: _____

Cindy Gillenwater Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)

) ss:

Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned Cindy Gillenwater who, being duly sworn, says that he/she is Clerk of the The News-Sentinel, newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time _____, the dates of publication being as follows:
3/17, 24/92

Subscribed and sworn to before me this 24th day of March, 19 92.

Anne M. Perkins
Notary Public ALLEN COUNTY IN
ANNE M PERKINS

My commission expires: Nov 29, 1993